

**Enrolled**  
**House Bill 2650**

Sponsored by Representatives BRUUN, KOTEK, Senators MORRISETTE, VERGER; Representatives BARNHART, BOONE, CLEM, DINGFELDER, ESQUIVEL, GREENLICK, LIM, MERKLEY, NATHANSON, NELSON, RICHARDSON, ROSENBAUM, SHIELDS, TOMEI, WITT, Senators AVAKIAN, BATES, CARTER, DEVLIN, MONNES ANDERSON, MORSE, NELSON, WESTLUND

CHAPTER .....

AN ACT

Relating to standards for items sold in schools; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) "Entree" means a food that is generally regarded as being the primary food in a meal and includes, but is not limited to, sandwiches, burritos, pasta and pizza.

(b) "Snack" means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

(2) Except as provided in subsection (6) of this section, all food and beverage items sold in a public kindergarten through grade 12 school must at a minimum meet the standards required by this section.

(3) The following shall apply to all food sold in a school during the times described in subsection (5)(a) of this section:

(a) A snack item may be sold only in a single-serving size and:

(A) May not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, eggs, nonfried vegetables and cheese.

(B) May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, eggs and cheese.

(C) May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables.

(D) May not contain more than 0.5 grams of trans fat per serving.

(E) May not contain more than 150 total calories if sold in a school in which the highest grade level in the school is grade 5 or less.

(F) May not contain more than 180 total calories if sold in a school in which the highest grade level in the school is grade 6, 7 or 8.

(G) May not contain more than 200 total calories if sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12.

(b) An entree item that is sold individually:

(A) May not contain more than four grams of fat per 100 calories.

**(B) May not contain more than 450 total calories.**

**(4) The following shall apply to all beverages sold in a school during the times described in subsection (5)(a) of this section:**

**(a) If the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may be only:**

**(A) Water.**

**(B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.**

**(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.**

**(b) If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may be only:**

**(A) Water.**

**(B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.**

**(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.**

**(c) If the beverage is sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12, the beverage may be only:**

**(A) Water.**

**(B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.**

**(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.**

**(D) A no-calorie or low-calorie beverage if the beverage contains no more than 10 calories per eight ounces.**

**(E) A beverage that is not more than 12 ounces and contains no more than 66 calories per eight ounces.**

**(5)(a) The standards required by this section apply to food and beverage items sold in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals or child care programs.**

**(b) The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during or after the event, such as a sporting event or another interscholastic activity, a play or a band or choir concert.**

**(6) The standards required by this section do not apply to food and beverage items sold in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.**

**(7) A school district board may adopt standards that are more restrictive than the standards specified by this section.**

**(8) Each school year, a school district board shall determine whether the school district is in compliance with the standards required by this section and report the results of that**

determination to the Department of Education. The department may monitor whether school districts are in compliance with the standards required by this section.

**SECTION 2.** (1) Except as provided in subsection (2) of this section, section 1 of this 2007 Act first applies to the 2008-2009 school year.

(2) Section 1 of this 2007 Act first applies to entree and snack items prepared on-site and sold individually during the 2009-2010 school year.

**SECTION 3.** (1) Sections 1 and 2 of this 2007 Act apply to contracts entered into or extended on or after July 1, 2008. If a school district is operating under a contract entered into before July 1, 2008, the school district board shall comply with the requirements of sections 1 and 2 of this 2007 Act to the greatest extent allowed under that contract.

(2) A school district may not enter into a contract on or after the effective date of this 2007 Act if the contract:

- (a) Does not meet the requirements of section 1 or 2 of this 2007 Act; and
- (b) Is effective on or after July 1, 2008.

**SECTION 4.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by House April 3, 2007

Received by Governor:

Repassed by House May 30, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate May 25, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State